

## **EXHIBIT 2**

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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF WASHINGTON

13 RIVER CITY MEDIA, LLC, et al.,

14 Plaintiffs,

15 v.

16 KROMTECH ALLIANCE  
17 CORPORATION, et al.,

18 Defendants.

Case No. 2:17-cv-00105-SAB

PLAINTIFFS' FIRST SET OF  
INTERROGATORIES AND  
REQUESTS FOR PRODUCTION  
OF DOCUMENTS TO CXO  
MEDIA, INC.

19 Pursuant to Fed. R. Civ. P. 26, 33, & 34, and applicable local rules, River  
20 City Media LLC, Mark Ferris, Matt Ferris, and Amber Paul (collectively  
21 "Plaintiffs") request that Defendant CXO Media, Inc. ("CXO") respond to the  
22 following interrogatories and requests for production of documents fully, in  
23 writing, and under oath within thirty (30) days of the date of their service on you  
24 and your attorneys.

INSTRUCTIONS

25 A. In answering these Interrogatories and Requests for Production,  
26 unless otherwise specified, You are to furnish all information known to You at the  
27 time of answering, regardless of whether this information is possessed by You or  
28

PLAINTIFFS' 1<sup>ST</sup> RFP'S AND ROGS TO CXO  
MEDIA, INC. - 1  
[2:17-cv-00105-SAB]

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Jackson W.  
NOV 02 2017  
RECEIVED

1 Your employees, agents, representatives, affiliated corporations, investigators, or  
2 by Your attorneys or their employees, agents, representatives or investigators.

3 B. These Interrogatories and Requests for Production shall, to the fullest  
4 extent permitted by law, be deemed continuing, so as to require You, without  
5 further request from Defendant, to provide supplemental answers within fifteen  
6 (15) days of acquiring any additional information, knowledge, or belief pertaining to  
7 the subject matter of any Interrogatory or Request for Production.

8 C. If You cannot answer any of the following Interrogatories and  
9 Requests for Production after exercising due diligence to secure the full  
10 information to do so, so state and answer to the extent possible, specifying Your  
11 inability to respond in full, stating whatever information or knowledge You have  
12 concerning the unanswered portion, and detailing what You did in attempting to  
13 secure the unknown information. If You do know the name of a person or entity  
14 that may have such information, the name, address, telephone number, and the  
15 nature of the information known by such person or entity shall be disclosed in Your  
16 answer.

17 D. If You withhold under a claim of privilege any information or  
18 document called for by any discovery request, state the following:

- 19 (a) the basis for withholding the information;
- 20 (b) the identity of all persons who possess the information;
- 21 (c) the date and place of, and the identity of, all persons involved in  
22 any communications that bear on the information called for by  
23 the discovery request; and
- 24 (d) in general, the substance of the document.

25 E. For each and every answer to these Interrogatories and Requests for  
26 Production, state all the facts relied upon, and provide the evidentiary basis  
27 (identifying documents, witnesses, and other sources) for each fact identified.  
28

1 F. A question that seeks information contained in, information about, or  
2 identification of any document may be answered by providing a copy of such  
3 document for inspection without a request for production.

4 G. Provide all responsive information for the entire time period specified  
5 by an Interrogatory or Request for Production. If certain information responsive to  
6 an Interrogatory or Request for Production applies only to part of the period of time  
7 specified by the Interrogatory or Request for Production, state the dates between  
8 which such Interrogatory or Request for Production applies.

9 H. The singular form of a noun or pronoun shall be considered to include  
10 within its meaning the plural form of the noun or pronoun so used and vice versa;  
11 the use of the masculine form of a pronoun shall be considered to include within its  
12 meaning the feminine form of the pronoun so used and vice versa; and, the use of  
13 any tense of any verb shall be considered to include within its meaning all other  
14 tenses of the verb.

15 I. Whenever it is necessary to bring within the scope of these  
16 Interrogatories and Requests for Production information that otherwise might be  
17 construed to be outside their scope, "any" should be understood to include and  
18 encompass "all"; "all" should be understood to include and encompass "any";  
19 "or" should be understood to include and encompass "and"; and, "and" should  
20 be understood to include and encompass "or."

21 J. The use of the words "include(s)" and "including" should be  
22 construed to mean without limitation.

23 K. The terms "present" or "presently" refer to the date of service of  
24 these Interrogatories and Requests for Production and shall continue through  
25 resolution of this litigation.

26 L. The term "answers" refers to Your answers and/or responses to  
27 these Interrogatories and Requests for Production.  
28

1 M. Defendant will move to preclude You from presenting evidence  
2 regarding responsive matters You have failed to set forth in Your answers.

### 3 DEFINITIONS

4 Unless the context clearly indicates otherwise, the following words and  
5 phrases are defined and used herein as follows:

6 A. The term "COMPLAINT" refers to PLAINTIFF'S Complaint in  
7 this action, filed March 21, 2017.

8 B. The term "COMMUNICATION" includes any and all phone  
9 conversations, emails, correspondence, meetings, conferences, instant messaging,  
10 text messaging, memoranda, or any record of oral communication.

11 C. The term "DESCRIBE," when used in connection with an act or  
12 event, means to state the date of the act or event, to Identify each person  
13 participating in or witnessing the act or event, to Identify all documents relating to  
14 the act or event, and to describe with particularity the sequence of occurrences  
15 which constituted the act or event.

16 D. The term "DOCUMENT" has the full extent of its meaning as  
17 provided in CR 26 and 34 and includes the original or a copy of the original and any  
18 nonidentical copy, regardless of original location, of any recorded, written, printed,  
19 typed or other graphic material of any kind, variety, type or character including, by  
20 way of example but not limited to, the following: books; records; contracts;  
21 agreements; invoices; orders; bills; certificates; bills of sale; bills of lading;  
22 correspondence; trip reports; spreadsheets; databases; certificates of title;  
23 financing statements; instruments; expense accounts; canceled checks; bank  
24 statements; bank books; receipts; disbursement journals; tax returns; financial  
25 statements; check stubs; promissory notes; resumes; address books; appointment  
26 books; telephone logs; worksheets; pictures; income statements; profit and loss  
27 statements; balance statements; deposit slips; credit card receipts; records or  
28 notations of telephone or personal conversations; conferences; intra office

1 communications; interoffice communications; postcards; letters; telexes;  
 2 partnership agreements; articles of incorporation; mailing lists; catalog price lists;  
 3 sound, tape and video records; memoranda (including written memoranda of  
 4 telephone conversation, other conversations, discussions, agreements, acts and  
 5 activities); minutes, manuals, diaries; calendar or deskpads; scrapbooks;  
 6 notebooks; correspondence; meetings; instant messaging; text messaging; any  
 7 record of oral communications; bulletins; circulars; policies; forms; pamphlets;  
 8 notices; statements; journals; letters; telegrams; reports; photostats; microfilm;  
 9 microfiche; maps; deposition transcripts; email messages; drawings; blueprints;  
 10 photographs; negatives; and any other data, information, or statistics contained  
 11 within any data storage modules, tapes, discs or any other memory device  
 12 (including on any computer) or any other information retrievable on storage  
 13 systems, including computer-generated reports and printouts. When identifying a  
 14 document, state the type of document (e.g., letter, memorandum, note, email,  
 15 spreadsheet, etc.), date, author, addressee, title, serial or file number, its present  
 16 location, the name and address of its custodian, and the substance of the contents.  
 17 If a document has been destroyed, state when and where it was destroyed, identify  
 18 the person who destroyed it, and the person or persons who directed the  
 19 destruction.

20 E. The term "IDENTIFY," when used in connection with a person,  
 21 means to state the person's full current name, to state the person's full current  
 22 residence address, to state the person's full current business address, to state the  
 23 person's telephone numbers, to state the person's employer(s), and to state the  
 24 person's position(s) with the employer(s).

25 F. The term "IDENTIFY," when used in connection with a Document,  
 26 means to state the type of Document (e.g., letter, memorandum, note, email,  
 27 spreadsheet, etc.), date, author, addressee, title, serial or file number, its present  
 28 location, the name and address of its custodian, and the substance of the contents.

1 If a Document has been destroyed, state when and where it was destroyed, Identify  
 2 the person who destroyed it, and the person or persons who directed the  
 3 destruction.

4 G. The term "PERSON" includes individuals and entities. When  
 5 identifying a person or non-corporate entity, including but not limited to any  
 6 partnership, joint venture, sole proprietorship or any other unincorporated  
 7 association, state the person or entity's full name, last known address, and last  
 8 known office and home telephone numbers. Once a person or entity has been  
 9 identified in accordance with this paragraph, only the name of that person or entity  
 10 need be listed in answer to subsequent answers requesting the identification of that  
 11 person or entity. When identifying a corporation, limited liability company, or  
 12 other business entity (each, an "entity"), state the entity's name, last known  
 13 address, last known telephone number, state of organization, date of formation,  
 14 date of dissolution (if applicable), and all names under which the entity has done  
 15 business. Once an entity has been identified in accordance with this paragraph,  
 16 only the name of that entity need be listed in answer to subsequent answers  
 17 identifying that entity.

18 H. The term "PERSONAL KNOWLEDGE" means knowledge based on  
 19 what the person to be Identified saw, heard, or said, and not knowledge based upon  
 20 hearsay statements of a third person.

21 I. The phrase "RELATING TO" means consisting of, summarizing,  
 22 describing, reflecting, or referring to in any way.

23 J. The term "STATEMENT" includes any statement made by You,  
 24 including but not limited to any electronic mail messages (e-mails), paper  
 25 documents, press releases and statements made via the Internet.

26 K. The term "YOU" "YOUR" or "DEFENDANT" means CXO  
 27 Media, Inc., including any officers, directors, partners, associate, employees, staff  
 28

1 members, agents, representatives, divisions, parents, subsidiaries, predecessors in  
2 interest, affiliated corporations, or any other related entities of CXO Media, Inc.

3  
4 **REQUESTS FOR PRODUCTION**

5 **REQUEST FOR PRODUCTION NO. 1.** Produce all Documents related to  
6 CXO Media's corporate structure, including all subsidiaries, parent companies,  
7 holding companies, and *any* company holding more than a 10% interest in CXO  
8 Media.

9 **RESPONSE:**  
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12 **REQUEST FOR PRODUCTION NO. 2.** Produce all Documents related to  
13 CXO Media's executive leadership team (meaning all managers, C-suite  
14 executives, and/or corporate officers), including the name, title, and employment  
15 history for each of the following individuals:

16 (a) Brian Glynn

17 (b) Bob Bragdon

18 (c) Greg Pinsky

19 **RESPONSE:**  
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22 **REQUEST FOR PRODUCTION NO. 3.** Produce all Documents related to  
23 CXO Media's relationship with IDG, Inc.

24 **RESPONSE:**  
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1 **REQUEST FOR PRODUCTION NO. 4.** Produce all Documents related to  
2 CXO's advertising and marketing of CXO's media properties in the state of  
3 Washington.

4 **RESPONSE:**  
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6

7 **REQUEST FOR PRODUCTION NO. 5.** Produce all Documents related to  
8 total sales of each of CXO Media's products or services, including subscriptions or  
9 memberships to magazines or news sites, whether print or online, in the United  
10 States generally and to Washington residents specifically.

11 **RESPONSE:**  
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14 **REQUEST FOR PRODUCTION NO. 6.** Produce all Documents related to  
15 CXO Media's income derived from advertising on its websites to Washington state  
16 residents.

17 **RESPONSE:**  
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20 **REQUEST FOR PRODUCTION NO. 7.** For each Request for Admission that  
21 you do not admit, produce all Documents related to or explaining your reasons for  
22 not admitting each such Request for Admission.

23 **RESPONSE:**  
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**INTERROGATORIES**

**INTERROGATORY NO. 1.** Describe each product or service You market and sell to consumers in the United States.

**RESPONSE:**

**INTERROGATORY NO. 2.** Describe each media property You own or operate targeted at English-speaking readers.

**RESPONSE:**

**INTERROGATORY NO. 3.** For each product or service described in Interrogatory No. 2, provide the following information:

- (a) The number of units sold to consumers in the United States;
- (b) The number of units sold to consumers in the state of Washington;
- (c) The methods by which You market the product or service;
- (d) The number of units sold to consumers in the United States directly from Your online store;
- (e) The number of units sold to consumers in the state of Washington directly from Your online store;
- (f) The number of units sold to consumers in the state of Washington from Your affiliates (define somewhere);

**RESPONSE:**

1 INTERROGATORY NO. 4. Describe or list each article written by Steve Ragan  
2 that was published on the Salted Hash blog at  
3 <https://www.csoononline.com/blog/salted-hash-top-security-news>.

4 RESPONSE:  
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6


7 INTERROGATORY NO. 5. For each article described or listed in Interrogatory  
8 No. 4, provide the following information:

- 9 (a) The number of views by visitors in the United States;  
10 (b) The number of views by visitors in the state of Washington;  
11 (c) The amount of ad revenue You earned for each article in total;  
12 (d) The number of products You sold from users clicking on links  
13 shown while viewing the article;

14 RESPONSE:  
15  
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17 Dated: October 30, 2017

NEWMAN DU WORS LLP

18  
19   
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22 Leeor Neta, *admitted pro hac vice*  
23 *leeor@newmanlaw.com*

Attorneys for Plaintiffs  
24  
25  
26  
27  
28

VERIFICATION

STATE OF \_\_\_\_\_)

: ss.

County of \_\_\_\_\_)

\_\_\_\_\_, being duly sworn, on oath says:

That he/she is the \_\_\_\_\_ named in the foregoing \_\_\_\_\_; that he/she has read said requests for production and the responses thereto, knows the contents thereof and believes the same to be true and correct.

SUBSCRIBED and SWORN TO before me this \_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
[PRINT NAME] \_\_\_\_\_  
NOTARY PUBLIC for the State of  
Washington, residing at \_\_\_\_\_.  
My appointment expires: \_\_\_\_\_.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 30, 2017, I caused the foregoing to be served by U.S. mail to:

**Attorneys for Defendants International Data Group, Inc., CXO Media, Inc. and Steve Ragan**

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I declare under penalty of perjury that the foregoing is true and correct.

  
Arlyne Sorrells  
Paralegal